

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DEBORAH L. LITTLE,	:	
Plaintiff,	:	
	:	
-vs-	:	Civil No. 3:99cv887 (PCD)
	:	
UNITED STATES POSTAL SERVICE,	:	
Defendant.	:	

RULING ON DEFENDANT’S MOTION TO DISMISS

Defendant, United States Postal Service, moves to dismiss the complaint of pro se plaintiff, Deborah Little, pursuant to FED. R. CIV. P. 12(b)(6). For the reasons set forth herein, the motion to dismiss is granted.

II. BACKGROUND

Plaintiff’s pro se complaint form contains the following statement of background: “Loading dock accident, motor vehicle accident, improper medical case, harassment, denial of workers compensation, falsifying paperwork, falsifying time cards, denying medical payment on injuries, discrimination against a pregnant employee and refusing me the chance for upward mobility, violation of employee labor manual laws.” Under the portion of the pro se form requesting details as to her cause of action, plaintiff simply alleges “loading dock accident, motor vehicle accidents.”

II. DISCUSSION

Defendant moves to dismiss the complaint for failure to state a claim upon which relief can be granted.

A. Standard

A motion to dismiss is properly granted when “it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations.” *In re Scholastic Corp. Sec. Litig.*, 252 F.3d 63, 69 (2d Cir. 2001) (internal quotation marks omitted). A motion to dismiss must be decided on the facts as alleged in the complaint. *Merritt v. Shuttle, Inc.*, 245 F.3d 182, 186 (2d Cir. 2001). All allegations are assumed to be true and are considered in the light most favorable to the non-movant. *Manning v. Utilities Mut. Ins. Co., Inc.*, 254 F.3d 387, 390 n.1 (2d Cir. 2001). As a plaintiff proceeding pro se, the pleadings shall be liberally construed to raise the strongest argument suggested. *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972); *Graham v. Henderson*, 89 F.3d 75, 79 (2d Cir. 1996).

B. Sufficiency of Complaint

Defendant argues that plaintiff’s failure to allege a basis for jurisdiction and to provide factual allegations in support of her claim renders the complaint deficient under FED. R. CIV. P. 8(a) and properly dismissed. Plaintiff responds by submitting what purports to be documentary support for her claims against defendant.¹

The burden imposed on a plaintiff to allege sufficient detail to satisfy the requirements of notice pleading is not great. A complaint must contain “a short and plain statement of the claim showing that

¹ Although it is apparent from the appendices to plaintiff’s memorandum in opposition that plaintiff has detailed records on her history with the United States Postal Service, there is no basis by which these submissions may be used to supplement deficiencies in her complaint. *Barbara v. N.Y. Stock Exch., Inc.*, 99 F.3d 49, 56 (2d Cir. 1996) (motion to dismiss is not a responsive pleading); *Rothman v. Gregor*, 220 F.3d 81, 88 (2d Cir. 2000) (complaint may include documents referred to in complaint).

the pleader is entitled to relief.” FED. R. CIV. P. 8(a)(2). Pleadings must give fair notice of the claims alleged to afford the adverse party the opportunity to answer and prepare for trial. *Simmons v. Abruzzo*, 49 F.3d 83, 87 (2d Cir. 1995). Dismissal of a complaint is proper when it is “so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised.” *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Furthermore, “conclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss.” *De Jesus v. Sears, Roebuck & Co., Inc.*, 87 F.3d 65, 70 (2d Cir. 1996) (internal quotation marks omitted).

Notwithstanding the liberal standard under which her pro se complaint is reviewed, plaintiff has failed to satisfy the minimum requirements of FED. R. CIV. P. 8(a). Her complaint is no more than a series of legal conclusions from which defendant cannot reasonably be expected to fashion a response. Defendant’s motion to dismiss is granted.

III. CONCLUSION

Defendant’s motions to dismiss (Doc. 20) is **granted**. Plaintiff is granted leave to file an amended complaint within thirty days.

SO ORDERED.

Dated at New Haven, Connecticut, January ___, 2002.

Peter C. Dorsey
United States District Judge

